

**U.S. BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**Honorable Stephen L. Johnson
Thursday, September 20, 2012**

Current as of 9/19/2012 at 11:21 AM

San Jose Courtroom 3099

**U.S. Courthouse and Federal Bldg.
280 S 1st Street
San Jose, CA 95113**

9:30 AM **09-53349** David James Bell and
Ch 13 Toni Ann Bell
Trustee: Derham-Burk

Moving: Scott J. Sagaria

Opposing:

Matter: Motion for Order to Show Cause RE: Contempt of Violation of the Automatic Stay and Violation of the Confirmation Order by Debtor (50) (cont fr 5/17/12, 7/19)

***CONT TO 11/15/12 AT 10:00 PER ORDER 9/14/12**

9:30 AM **09-56451** Manuel Robert Dena and
Ch 13 Mary Saldivar Dena
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Matter: Motion TO APPROVE LOAN MODIFICATION by Debtor (79)

***Stmt of Non-Opp fld by Trustee 8/23/12**

Comment Tentative Ruling: Loan mod is approved and order will provide trustee to cease making payments on arrears. All other additional provisions requested in motion are denied as those terms are not part of the loan mod agmt.

9:30 AM **09-57829** Rebecca Martinez Kaamino
Ch 13
Trustee: Derham-Burk

Moving: David A. Boone

Opposing: Mary Ellmann Tang

Matter: a) First Amended Motion to Modify Chapter 13 Plan by Debtor (90)

b) Commonwealth Central Credit Union

Comment Tentative Ruling: Matter will be called. Court requests trustee's position on the motion/opposition and status on plan payments.

9:30 AM **10-51368** Jun Glen Yuipco and
Ch 13 Emily Duenas Lozaldo
Trustee: Derham-Burk

Moving:

Opposing:

Matter: Order to Appear and Show Cause Re: Contempt (174)

Comment Tentative Ruling: This matter will be called.

4

9:30 AM **10-51688** Roland Angel Cintron and
Ch 13 Alma June Cintron
Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing:

Matter: Motion TO AVOID JUDICIAL LIEN PURSUANT TO 11 USC 522(f)(1) RE CREDITOR Chase Bank USA, NA by Debtor (45)

Comment Tentative Ruling: Motion is granted. See docket text order.

5

9:30 AM **10-56596** Stephen G. Johnson
Ch 13
Trustee: Derham-Burk

Moving: Renee C. Mendoza

Opposing:

Matter: Application for Compensation of Fees: \$1,6477.50 and Reimbursement of Expenses: \$621.32 by Counsel for Debtor, Cathleen Moran (42)

Comment Tentative Ruling: Unless there is objection at hearing, fees and costs are approved as requested.

6

9:30 AM **10-57506** Manuel Evelio Echinique
Ch 13
Trustee: Derham-Burk

Moving: Manuel Evelio Echinique

Opposing:

Matter: a) Motion for Order Allowing Debtor to Sell Residential Real Property (1956 San Ramos Way, Modesto, CA 95358), Motion to Employ The Broker And Allow Broker's Compensation by Debtor (32)

b) Objection by Trustee

Comment Tentative Ruling: Motion is denied w/o prejudice. In addition to Trustee's objection, service and notice of motion defective (See FRBP 2002(a) and (c)), and no evidence that secured creditor consents or is aware of the sale. Broker employment not needed.

7

9:30 AM 10-58722 Joanna Gonda
Ch 13

Trustee: Derham-Burk

Moving: Laurence J. McEvoy

Opposing:

8

Matter: Supplemental Application for Compensation Fee \$27,048.75 Expenses \$3,964.86 by counsel for debtor, Laurence McEvoy (86)

Comment Tentative Ruling: Unless there is objection at hearing, fees and costs are approved as requested.

9:30 AM 10-60957 Christopher Brandon Corona
Ch 13

Trustee: Derham-Burk

Moving: Norma L. Hammes

Opposing: Megan E. Lees

9

Matter: a) Motion TO APPROVE LOAN MODIFICATION by Debtor (80)

b) Opposition by JPMorgan Chase Bank, N.A.

c) Motion for Court Consent to Enter Into Loan Modification Agreement by JPMorgan Chase Bank, N.A. (75)

*Stmt of Non-Opp fld by Trustee 8/23/12

Comment Tentative Ruling: This matter will be called. Per order (not signed) entered on 9/17, parties are required to confer re the two motions prior to hearing.

9:30 AM 11-50020 Henderson S. Ford, III and
Ch 13 Deanna L. Ford
Trustee: Derham-Burk

Moving:

Opposing:

10

Matter: Hearing re Eighth Amended Objection to Confirmation of Chapter 13 Plan by Trustee (70)

Comment Tentative Ruling: Matter will be called.

9:30 AM 11-50605 Frank D. Duncan
Ch 13

Trustee: Derham-Burk

Moving: Cathleen Cooper Moran

Opposing:

11

Matter: Application for Compensation of Fees: \$13,028.75 and Reimbursement of Expenses \$706.12 by Counsel for Debtor (54)

Comment Tentative Ruling: This matter will be called.

9:30 AM **11-51066** Cesar Hernandez and
Ch 13 Berta Gloria Hernandez
Trustee: Derham-Burk

Moving: Scott J. Sagaria

Opposing:

12

Matter: Hearing re Fourth Amended Objection to Confirmation of Chapter 13 Plan by Trustee (73)

***OSC set for 1:30 PM**

Comment **Tentative Ruling:** Matter is off calendar. Case dismissed on 9/14 for failure to respond to OSC.

9:30 AM **11-52611** Mone Hanagan and
Ch 13 John C. Hanagan
Trustee: Derham-Burk

Moving: Angie YC Tong

Opposing: Christelle Nicole Ramseyer

13

Matter: Hearing re Objection to Claim #4 (Aurora Loan Services, LLC by Debtor (46) (cont fr 8/23)

***RE-NOTICED FOR 10/18/12 AT 9:30 AM**

9:30 AM **11-53126** James Kirkland
Ch 13
Trustee: Derham-Burk

Moving: Joseph S. Chun

Opposing:

14

Matter: Hearing re Objection to Confirmation of Plan by Aurora Loan Services LLC (28)

***OFF CALENDAR - NOTICE WITHDRAWN 9/12/12**

9:30 AM **11-53655** Valerie Ann Espinoza
Ch 13
Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

15

Matter: a) Motion to Dismiss Case for Failure to Make Plan Payments by Trustee (28)

b) Opposition by Debtor

Comment **Tentative Ruling:** Unless debtor is current by hearing, the motion will be granted and case will be dismissed.

9:30 AM **11-54045** Richard Hernandez Gonzales and
Ch 13 Monica Gonzales
Trustee: Derham-Burk

Moving: David A. Boone

Opposing:

16

Matter: Hearing re Objection to Claim #14-1of The Bank of New York Mellon (50)

Comment **Tentative Ruling:** Matter will be called. Parties to update the court whether subject real property has been surrendered.

9:30 AM 11-54392 Irina Y. Voronina

Ch 13

Trustee: Derham-Burk

Moving: Charles B. Greene

Opposing:

Matter: Motion to Value Lien (762 Regent Park Dr., San Jose, CA) of Bank of America, N.A. by Debtor (33)

Comment Tentative Ruling: Motion is granted. See docket text order.

17

9:30 AM 11-54580 Michael Madril and

Ch 13

Sandra Denise Madril

Trustee: Derham-Burk

Moving: Drew Henwood

Opposing: Joseph S. Chun

Matter: a) Motion to Determine Value and Status of Lien Holder Select Portfolio Servicing, Inc.'s Claim As Partially Secured And To Diminish Lien Accordingly by Debtor (16) (cont fr 7/19)

b) Opposition by Deutsche Bank National Trust Company

Comment Tentative Ruling: This matter will be called. If it is not resolved, the court will set evidentiary hearing.

18

9:30 AM 11-54668 Emmanuel Diosdado Comiso and

Ch 13

Arleen Sta Maria Comiso

Trustee: Derham-Burk

Moving: Ryan C. Wood

Opposing:

Matter: Application for Compensation of Fees: \$4,124.25 and Reimbursement of Expenses: \$0.00 by Counsel for debtor, Ryan Wood (48)

Comment Tentative Ruling: Matter will be called.

19

9:30 AM 11-55603 Martin Hermann Von Drateln and

Ch 13

Melba D. Von Drateln

Trustee: Derham-Burk

Moving:

Opposing: Dominique Sopko

Matter: a) Verified Motion to Sell Real Property Free and Clear of Liens Combined with Motion to Sell Real Property by Debtor (24)
*Order shortening time

b) Limited Objection by Richard & Olive DeFrancisci

c) Objection by Trustee

Comment Tentative Ruling: This matter will be called.

20

9:30 AM **11-56431** Thong V. Nguyen and
Ch 13 Kim Hoang
Trustee: Derham-Burk

Moving: Drew Henwood

Opposing: Jonathan J. Damen

21

Matter: a) Motion to Determine Value And Status of Junior Lien Holder, JP Morgan Chase Bank, N.A.'s Claim As Wholly Unsecured And Void Lien by Debtor (14) (cont fr 8/23)

b) Opposition by JPMorgan Chase Bank

Comment Tentative Ruling: This matter will be called to set evidentiary hearing re valuation dispute.

9:30 AM **11-57319** Janet E. Toro
Ch 13
Trustee: Derham-Burk

Moving: Saman Taherian

Opposing: Donald P. Brigham

22

Matter: Hearing re Objection to Claim No. 1 of Yorktown Funding LLC

Comment Tentative Ruling: This matter will be called.

9:30 AM **11-57333** Linda Calvano
Ch 13
Trustee: Derham-Burk

Moving: Julian C. Roberts

Opposing:

23

Matter: Motion FOR AN ORDER APPROVING LOAN MODIFICATION Agreement with One West Bank, FSB by Debtor (13)

*Stmnt of Non-Opp fld by Trustee 8/28/12

Comment Tentative Ruling: Motion is granted. See docket text order.

9:30 AM **11-57449** Ramon Martinez, Jr.
Ch 13
Trustee: Derham-Burk

Moving: Michael K. Mehr

Opposing:

24

Matter: Motion for Sale of Real Property by Debtor (24)

*Stmnt of Non-Opp fld by Trustee 9/7/12

Comment Tentative Ruling: Deny w/o prejudice for lack of evidence on identity of lienholders and lien amounts and how much lienholders will be paid.

9:30 AM 11-57871 Carlos C. Guizar
Ch 13

Trustee: Derham-Burk

Moving: Joseph S. Chun

Opposing:

25

Matter: Hearing re Objection to Confirmation of Plan by Aurora Loan Services LLC (25)

Comment Tentative Ruling: It appears the Second Amended Plan resolves Aurora's objection and objection is tentatively overruled. Can the trustee recommend confirmation?

9:30 AM 11-58890 Victor S. Khan and
Ch 13 Yvonne M. Khan

Trustee: Derham-Burk

Moving: Nanette Dumas

Opposing:

26

Matter: a) Motion to Dismiss Case with a Bar to Re-filing Filed by Trustee (29) (cont fr 8/23)

b) Response by Debtor

Comment Tentative Ruling: No timely opposition filed. For reasons stated in the motion, motion is granted. Case dismissed with 1-year bar to refileing.

9:30 AM 11-58996 Beatrice Guadalupe Navarro
Ch 13

Trustee: Derham-Burk

Moving: Anita Steburg

Opposing:

27

Matter: Motion to Withdraw as Attorney for Debtor by Anita Steburg (42)

Comment Tentative Ruling: Motion is granted. Debtor's counsel to add paragraph in the order that service of all pleadings in the case shall be made to debtor directly and provide debtor's most recent address in the order.

9:30 AM 11-59084 Gabriel Mateo Aguilar and
Ch 13 Cristina Aquino Aguilar

Trustee: Derham-Burk

Moving: Laleh Ensafi

Opposing:

28

Matter: Motion to Permit Parties to Enter into Loan Modification Agreement by Deutsche Bank National Trust Company (35)

*Stmt of Non-Opp fld by Trustee 8/27/12

Comment Tentative Ruling: Motion is taken off calendar. The notice is a scream-or-die notice under BLR 9014-1(b)(3) and no hearing necessary absent objection. Movant needs to file a request for default consistent with BLR 9014-1(b)(4) and upload an order.

9:30 AM 11-59988 Ralph Theodule and
Ch 13 Deborah L. Theodule
Trustee: Derham-Burk

Moving: Susan D. Silveira
Opposing: Michael R. Gonzales

29

Matter: a) Motion to Value Collateral and Void Lien of Deutsche Bank National Trust Company by Debtor (34) (cont fr 8/23)

b) Opposition by Deutsche Bank Trust Company - Oppo w/drawn 9/11/12

Comment Tentative Ruling: Matter is off calendar. Order granting motion entered on 9/14.

9:30 AM 12-50878 Mary L. Girardot
Ch 13
Trustee: Derham-Burk

Moving: Charles B. Greene
Opposing:

30

Matter: a) Motion to Sell Real Property (12161 Viewoak Dr., Saratoga) by Debtor (48)

b) Objection by Trustee

*Conditional Non-Opp by Bank of America fld 9/12/12

Comment Tentative Ruling: Motion is denied w/o prejudice for reasons in Trustee's objection. If Trustee is correct there are junior lienholders, then service is also defective b/c they are not listed in schedules nor served with the motion.

9:30 AM 12-51315 Jose Velasco and
Ch 13 Maria Lourdes Velasco
Trustee: Derham-Burk

Moving: Megan E. Lees
Opposing:

31

Matter: Motion for Court Consent to Enter Into Loan Modification by JPMorgan Chase Bank, N.A. (44)

*Stmt of Non-Opp fld by Trustee 9/13/12

Comment Tentative Ruling: Trustee withdrew her objection on 9/11 and filed a non-opposition on 9/13. Motion is granted. Movant to upload order.

9:30 AM 12-51895 Margaret Mosher
Ch 13
Trustee: Derham-Burk

Moving:
Opposing:

32

Matter: Hearing re First Amended Objection to Confirmation of Chapter 13 Plan by Trustee (28)

Comment Tentative Ruling: Does Trustee accept oral amendment to resolve her objection?

9:30 AM 12-51980 Walter Esaloo and
Ch 13 Esther Zayeh Esaloo
Trustee: Derham-Burk

Moving: David A. Boone

Opposing: Raymond F. Moats III

33

Matter: a) Motion to Void & Strip Lien with Third Federal Savings & Loan Assoc of Cleveland by Debtor (46)(cont fr 8/23)

b) Response by Third Federal Savings

Comment Tentative Ruling: This matter will be called. If matter is not resolved, court will set evidentiary hearing re valuation dispute.

9:30 AM 12-52298 Farzana S. Subzwari
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

34

Matter: a) Hearing re Objection to Confirmation of Chapter 13 Plan by U.S. Bank, N.A. (15)
*OBJECTION W/DRAWN 9/7/12

b) Hearing re Objection to Confirmation of Chapter 13 Plan by Trustee (14)

Comment Tentative Ruling: With US Bank's withdrawal of its objection and the 2nd Amended Plan appearing to resolve Trustee's objection, can the Trustee recommend confirmation?

9:30 AM 12-52362 Emad Ayyad
Ch 13
Trustee: Derham-Burk

Moving: Sally A. Williams

Opposing: Cathleen Cooper Moran

35

Matter: a) Motion For An Order Requiring Debtor To Pay Cash Collateral To Creditors And For Trustee To Release Funds To Creditors by Bruce & Marcia McDougal, Trustees And New Davenport Corp., Inc. (87)

b) Response by Debtor

c) Motion to Dismiss Case by Debtor (79)

d) Objection by Bruce & Marcia McDougal

Comment Tentative Ruling: This matter will be called.

9:30 AM 12-53358 Bruce R. Miles
Ch 13
Trustee: Derham-Burk

Moving: Brette L. Evans

Opposing: Katherine Sylvie Walker

36

Matter: a) Motion to Value Lien of Chase Bank by Debtor (11) (cont fr 8/23)

b) Opposition by JPMorgan Chase

Comment Tentative Ruling: If matter not resolved, court will set evidentiary hearing re valuation dispute.

9:30 AM 12-53540 Steven Vincent Ruel and
Ch 13 Marianne Elizabeth Ruel
Trustee: Derham-Burk

Moving: Henry G. Rendler

Opposing:

37

Matter: Motion to Convert Case to Chapter 11 by Debtor (19)(cont fr 7/19, 8/23) pending possible motion to dismiss

Comment Tentative Ruling: No motion to dismiss filed as of 9/17. Motion is granted, court will direct that chapter 11 plan be filed within approx. 60 days and confirmed within 120 days.

9:30 AM 12-53564 Cesar H Fernandez and
Ch 13 Monica Fernandez
Trustee: Derham-Burk

Moving: Andrew M. Oldham

Opposing:

38

Matter: a) Motion to Value and Avoid Lien to: JP Morgan Chase by Debtor (13)

b) Opposition by JPMorgan Chase Bank

Comment Tentative Ruling: This matter will be called to set evidentiary hearing re valuation dispute.

9:30 AM 12-54148 Phuong T. Tran
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

39

Matter: Hearing re Objection to Confirmation of Chapter 13 Plan by Trustee (14)

***OFF CALENDAR AS MOOT - PLAN CONFIRMED 9/12/12**

9:30 AM 12-55294 Joseph Victor Melendez
Ch 13
Trustee: Derham-Burk

Moving: Silicon Valley Investments and Consulting

Opposing:

40

Matter: Motion to Dismiss Case With Prejudice for Cause For Bad Faith Filing and For An Order
Permanently Barring The Debtor From Seeking To Discharge Debts Existing At The Time of
The Dismissal by Shahrooz Jabbari (16)

Comment Tentative Ruling: Matter will be called. Service on debtor is defective and does not comply with
FRBP 7004(b)(9). Denial of discharge requires adversary proceeding.

9:30 AM 12-55418 Mary Elizabeth Tyler
Ch 13
Trustee: Derham-Burk

Moving: Michael K. Mehr

Opposing:

41

Matter: a) Motion to Allow Filing of Petition by "Next Friend" by Debtor (8)

b) Motion to Excuse Filing of Credit Counseling Certificate by Debtor (6) (cont fr 8/23)

Comment Tentative Ruling: This matter will be called.

9:30 AM 12-55500 Mimi N Trieu
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

42

Matter: Order to Appear and Show Cause For failure to pay filing fees and failure to file Chapter 13
required documents (9)

Comment Tentative Ruling: This matter will be called.

9:30 AM 12-56244 Tony Valdez
Ch 13
Trustee: Derham-Burk

Moving:

Opposing:

43

Matter: a) Order to Appear and Show Cause re Sanctions (9)

b) Response by Wendell Jones

Comment Tentative Ruling: This matter will be called.

UNCONTESTED CALENDAR – CONFIRMATION ADVANCED PER RESOLUTION

JUDGE JOHNSON – September 20, 2012 at 9:30 a.m.

**With respect to the following cases, objections were filed and subsequently withdrawn;
therefore, the Court confirms the following cases:**

The following cases shall be **CONFIRMED**:

44. JAMES KIRKLAND
11-5-3126 SLJ

ATTY – SAGARIA

45. DON HOWARD
11-5-9615 SLJ

ATTY – BINDER & MALTER

46. JOSEPH MIJARES &
DENISE YBARRA
11-6-1226 SLJ

ATTY - MOORE

The court has determined that it is in the best interests of creditors and the estates to hold the Confirmation Hearings earlier than 21 days after the meetings of creditors. No objections to the earlier hearing have been filed; therefore, the following plans are either confirmed or placed on the Trustee's Pending List:

**INITIAL CONFIRMATION CALENDAR FOR POST BANKRUPTCY REFORM ACT CASES
WITH NO OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – September 20, 2012 at 9:30 a.m.

The following cases shall be **CONFIRMED**:

47. JOSE & JANETTE HERNANDEZ
12-5-5401 SLJ

ATTY – MOORE

48. VANCE DOMINGUEZ
12-5-5402 SLJ

ATTY – MOORE

49. JOHN & JOANNE WHITING
12-5-5405 SLJ

ATTY – MAYDANIK

50. JOSE & ZARAHEMPLA CORDOVA
12-5-5476 SLJ

ATTY – CENTRAL COAST BANKRUPTCY

**INITIAL CONFIRMATION CALENDAR FOR POST BANKRUPTCY REFORM ACT CASES
WITH OUTSTANDING OBJECTIONS**

JUDGE JOHNSON – September 20, 2012 at 9:30 a.m.

From: 341 MEETING OF CREDITORS, September 5, 2012

TO BE PLACED ON TRUSTEE'S PENDING LIST:

51. PILAR MADRID
12-5-5307 SLJ

ATTY – BOONE
OBJECTION BY - TRUSTEE

52. CHARITY LLOYD
12-5-5312 SLJ

ATTY – MORAN
OBJECTION BY – TRUSTEE

53. ANDREW BARRERA
12-5-5318 SLJ

ATTY – BOONE
OBJECTION BY - TRUSTEE

54. RAMON RIDOLA
12-5-5324 SLJ

ATTY – EVANS
OBJECTION BY - TRUSTEE

55. DIEP NGUYEN
12-5-5346 SLJ

ATTY – HENWOOD
OBJECTION BY – TRUSTEE & BANK OF
NEW YORK MELLON

56. ALEGRIA SORIANO **Dismissed 9/17/12**
12-5-5357 SLJ

PRO SE
OBJECTION BY - TRUSTEE

57. LADONNA HOYT
12-5-5360 SLJ

ATTY – CAPUTO
OBJECTION BY – TRUSTEE

58. HUONG NGUYEN
12-5-5369 SLJ

ATTY – TSAO-WU, CHOW & YEE
OBJECTION BY - TRUSTEE

59. TODD THAN
12-5-5393 SLJ

ATTY – FULLER
OBJECTION BY – TRUSTEE & BANK OF
AMERICA

60. ZENaida MAGANA
12-5-5406 SLJ

ATTY – WGS LAW
OBJECTION BY – TRUSTEE & US BANK

61. MARIA CABUDoy *Dismissed 9/17/12*
12-5-5415 SLJ

ATTY – FARSAD LAW
OBJECTION BY – TRUSTEE & WELLS
FARGO

62. MARY TYLER
12-5-5418 SLJ

ATTY – MEHR
OBJECTION BY – TRUSTEE &
JPMORGAN CHASE

63. KAREN ETIENNE
12-5-5435 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE

64. PHILLIP & YVONNE ANDRADE
12-5-5437 SLJ

ATTY – BOONE
OBJECTION BY – TRUSTEE

65. ELAHE KHADEMBASHI
12-5-5438 SLJ

ATTY – BOONE
OBJECTION BY - TRUSTEE

66. RAMON & YOLANDA PALAFOX
12-5-5448 SLJ

ATTY – LACCARINO
OBJECTION BY – TRUSTEE & DEUTSCHE
BANK

67. L J & LERMA SONNIER
12-5-5451 SLJ

ATTY – HENSHAW
OBJECTION BY – TRUSTEE

68. THAYR LOUTFI &
LAMA BILTO
12-5-5464 SLJ

ATTY – MEHR
OBJECTION BY – TRUSTEE & WELLS
FARGO

69. TERENCE VO
12-5-5470 SLJ

ATTY – NGUYEN
OBJECTION BY – TRUSTEE